



Image

1631

PTO/SB/21 (03-03)

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(to be used for all correspondence after initial filing)

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/040,210	
	Filing Date	01/02/2002	
	First Named Inventor	Shams	
	Art Unit	1631	
	Examiner Name	Ly, Cheyne D	
Total Number of Pages in This Submission	8	Attorney Docket Number	BDI001

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Tope-McKay & Associates
Signature	
Date	3/4/2004

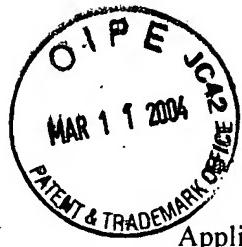
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shams

Examiner: Ly, Cheyne D

5 Serial No.: 10/040,210

Group Art Unit: 1631

Filed: 01/02/2002

Our Ref: BDI001

10 For: "Apparatus, Method, and Computer Program Product for Plotting Proteomic and Genomic Data"

RE: Non-Final Office Action Response

15 Hon. Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE

Sir:

20 In response to the office action dated December 3, 2003, having a shortened statutory response period extending through and including March 4, 2004, the Applicants respectfully request that the Examiner enter and consider the Amendments and Remarks made below. **All amendments and remarks herein are made without prejudice.**

25

REMARKS

In the office action, dated December 4, 2003, the Examiner rejected Claims 1 – 120 under 35 USC § 101 as non-statutory subject matter. Additionally, the Examiner
30 rejected Claims 1 – 120 under 35 USC § 102 as being anticipated by Schutz et al. (1999).

35 USC § 101 Rejection

The Examiner rejected Claims 1 – 120 as non-statutory subject matter under 35 USC § 101. Specifically, the Examiner rejected Claims 1 – 40, 79 – 117, 118, and 120 as descriptive, non-functional material. The Examiner stated that the computer system and computer program of the present invention only stores proteomic and genomic data